

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

IN RE: REFCO INC. SECURITIES  
LITIGATION

MDL-1902 (GEL)

MARC S. KIRSCHNER,  
As Trustee of the Refco Litigation Trust,

Plaintiff,

v.

GRANT THORNTON LLP, MAYER  
BROWN, ROWE & MAW, LLP; ERNST &  
YOUNG U.S. LLP;  
PRICEWATERHOUSECOOPERS LLP;  
CREDIT SUISSE SECURITIES (USA) LLC  
(f/k/a CREDIT SUISSE FIRST BOSTON  
LLC); BANC OF AMERICA SECURITIES  
LLC; DEUTSCHE BANK SECURITIES  
INC.; PHILLIP R. BENNETT; SANTO C.  
MAGGIO; ROBERT C. TROSTEN; TONE N.  
GRANT; REFCO GROUP HOLDINGS, INC.;  
LIBERTY CORNER CAPITAL  
STRATEGIES, LLC; WILLIAM T. PIGOTT;  
EMF FINANCIAL PRODUCTS, LLC; EMF  
CORE FUND, LTD.; DELTA FLYER FUND,  
LLC; ERIC M. FLANAGAN; INGRAM  
MICRO, INC.; CIM VENTURES, INC.;  
BECKENHAM TRADING CO. INC.;  
ANDREW KRIEGER; COAST ASSET  
MANAGEMENT, LLC (f/k/a COAST ASSET  
MANAGEMENT LP); CS LAND  
MANAGEMENT, LLC; and CHRISTOPHER  
PETITT,

Defendants.

Case No. 07 Civ. 11604 (GEL)

ECF Filed

**CERTIFICATE OF SERVICE**

I, ANTHONY MAUL, an attorney, hereby certify that on JANUARY 28, 2008, the Reply Of Defendant Ernst & Young LLP (“EY”) To Plaintiff’s Opposition To Motion To Stay Proceedings As To EY Pending Mediation And, If Necessary, Arbitration and the Statement Pursuant to Rule 7.1 were caused to be served in accordance with the Federal Rules of Civil Procedure, electronically via the Electronic Case Filing (“ECF”) system upon all counsel of record registered to receive such service, and by First-Class Mail via the United States Postal Services upon:

Joel Alan Blanchet  
James C. Joslin  
Reed S. Oslan  
Peter Stasiewicz  
Amanda J. Wendorff  
Micah Eric Marcus  
KIRKLAND & ELLIS LLP  
200 East Randolph Drive  
Chicago, IL 60601-6636  
[jblanchet@kirkland.com](mailto:jblanchet@kirkland.com), [jjoslin@kirkland.com](mailto:jjoslin@kirkland.com),  
[roslan@kirkland.com](mailto:roslan@kirkland.com), [pstasiewicz@kirkland.com](mailto:pstasiewicz@kirkland.com),  
[awendorff@kirkland.com](mailto:awendorff@kirkland.com), [mmarcus@kirkland.com](mailto:mmarcus@kirkland.com)  
***Counsel to Coast Asset Management LLC***  
***f/k/a Coast Asset Management LP; and***  
***CS Land Management, LLC;***

Emily Nicklin  
KIRKLAND & ELLIS LLP  
200 East Randolph Drive  
Chicago, IL 60601-6636  
[enicklin@kirkland.com](mailto:enicklin@kirkland.com),  
[doreilly@kirkland.com](mailto:doreilly@kirkland.com)  
***Counsel to PricewaterhouseCoopers LLP***

Thomas Justin Cunningham  
Ronald M. Lepinskas  
Sally Weiss Mimms  
Phillip Russell Perdew  
LORD, BISSEL & BROOK LLP  
111 South Wacker Drive  
Chicago, IL 60606  
tcunningham@lockelord.com,  
rlepinskas@lockelord.com, mhoeft@lockelord.com,  
smimms@lordbissell.com,  
pperdew@lordbissell.com,  
kargyris@lordbissell.com,  
docket@lockelord.com  
*Counsel to Christopher Petitt*

Jeffrey Todd Gilbert  
Pia N. Thompson  
REED SMITH, LLP  
10 South Wacker Drive  
40<sup>th</sup> Floor  
Chicago, IL 60606-7507  
tguzman@reedsmit.com, jgilbert@reedsmit.com,  
pthompson@reedsmit.com  
*Counsel to Credit Suisse Securities (USA) LLC  
f/k/a Credit Suisse First Boston LLC;  
Banc of America Securities LLC; and  
Deutsche Bank Securities Inc.*

Peter C. John  
Eric Richard Lifvendahl  
WILLIAMS MONTGOMERY & JOHN LTD.  
20 North Wacker Drive  
Ste 2100  
Chicago, IL 60606  
pcj@willmont.com,  
erl@willmont.com,  
denise@willmont.com  
*Counsel to Ingram Micro Inc.; and  
CIM Ventures, Inc.*

Linda T. Coberly  
Catherine W. Joyce  
Bradley E. Lerman  
WINSTON & STRAWN LLP  
35 W. Wacker Drive  
Chicago, IL 60601  
lcoberly@winston.com,  
cjoyce@winston.com,  
blerman@winston.com,  
ECF\_CH@winston.com  
*Counsel to Grant Thornton LLP*

Kevin Michael Forde  
KEVIN M. FORDE, LTD.  
111 West Washington Street  
Suite 1100  
Chicago, IL 60602  
kforde@fordeltd.com,  
kbrubaker@fordeltd.com  
*Counsel to Mayer Brown LLP; and  
Mayer Brown International LLP*

Todd Clark Jacobs  
Gary M. Miller  
Matthew A. Bills  
John R. McCambridge  
Katherine P. Myers  
GRIPPO & ELDEN, LLC  
111 South Wacker Drive  
Chicago, IL 60606  
docket@grippoelden.com,  
ourdocket@gmail.com  
*Counsel for Plaintiff*

Maura Forde O'Meara  
 Stephen J. O'Neil  
 BELL, BOYD & LLOYD  
 70 West Madison Street  
 Suite 3100  
 Chicago, IL 60602  
 momeara@bellboyd.com, soneil@bellboyd.com,  
 docket@bellboyd.com  
*Counsel to Robert C. Trosten*

Heather L. Kramer  
 SCHWARTZ COOPER, CHTD.  
 180 North LaSalle Street  
 Suite 2700  
 Chicago, IL 60601  
 hkramer@scgk.com  
*Counsel to Phillip R. Bennett*

James P. Cusick  
 James J. Capra, Jr.  
 ORRICK, HERRINGTON & SUTCLIFFE LLP  
 666 Fifth Avenue  
 New York, NY 10103  
 Phone: (212) 506-5000  
*Counsel to PricewaterhouseCoopers LLP*

Veronica E. Rendon  
 ARNOLD & PORTER LLP  
 399 Park Avenue  
 New York, NY 10022  
 Phone: (212) 715-1165  
 Fax: (212) 715-1399  
 veronica.rendon@aporter.com  
*Counsel to Delta Flyer Fund, LLC, EMF Financial Products, LLC, Flanagan, Eric M.*

Edward Sidney Weil  
 SCHWARTZ, COOPER, GREENBERG & KRAUSS  
 180 North LaSalle Street  
 Suite 2700  
 Chicago, IL 60601  
 eweil@scgk.com  
*Counsel to Phillip R. Bennett*

Marc M. Umeda  
 ROBBINS UMEDA & FINK LLP  
 610 West Ash Street  
 Suite 1800  
 San Diego, CA 92101-3350  
 Phone: (913) 667-3788  
 Fax: (913) 422-0307  
*Counsel to Carmona (Derivatively/Behalf – The Goldman Sachs Group, Inc.), Christopher*

Richard Howell  
 KIRKLAND & ELLIS LLP  
 200 East Randolph Drive  
 Chicago, IL 60601  
*Counsel to Coast Asset Management LLC f/k/a Coast Asset Management LP; and CS Land Management, LLC*

Barbara Moses  
 Rachel M. Korenblat  
 MORVILLO, ABRAMOWITZ, GRAND, IASON, ANELLO & BOHRER PC  
 565 Fifth Avenue  
 New York, NY 10017  
*Counsel to Robert C. Trosten*

Ramzi Abadou  
COUGHLIN STOIA GELLER RUDMAN &  
ROBBINS LLP  
655 West Broadway  
Suite 1900  
San Diego, CA 92101  
Phone: (619) 231-1058  
Fax: (619) 231-7423  
*Counsel to Irv Kreitenberg; Steve Kreitenberg;  
Matthew Larson; Joseph Mazur*

Aaron L. Brody  
STULL STULL & BRODY  
6 East 45th Street  
Suite 500  
New York, NY 10017  
Phone: (212) 687-7230  
*Counsel to The Donnelly Group*

Anthony Mathias Candido  
CLIFFORD CHANCE US LLP  
31 West 52nd Street  
New York, NY 10019-6131  
Phone: (212) 878-8000  
Fax: (212) 878-8375  
*Counsel to Mayer Brown International LLP*

Richard Cashman  
HELLER EHRLMAN LLP  
Times Square Tower  
7 Times Square  
New York, NY 10036  
Phone: (212) 832-8300  
Fax: (212) 763-7600  
richard.cashman@hellerehrman.com  
*Counsel to Philip Silverman*

Philip D. Anker  
WILMERHALE  
1875 Pennsylvania Avenue, N.W.  
Washington, DC 20006  
Phone: (202) 663-6000  
Fax: (202) 663-6363  
*Counsel to Banc of America Securities,  
LLC, Credit Suisse Securities (USA),  
LLC; Deutsche Bank Securities, Inc.*

Scott A. Burson  
LAW OFFICES OF SCOTT A BURSOR  
500 Seventh Avenue  
10th Floor  
New York, NY 10018  
Phone: (212) 989-9113  
Fax: (212) 989-9163  
*Counsel to Michael Albrecht*

John K. Villa  
WILLIAMS & CONNOLLY LLP  
725 12<sup>th</sup> Street, N.W.  
Washington, DC 20005  
Phone: (202) 434-5000  
Fax: (202) 434-5029  
*Counsel to Mayer Brown LLP*

Solomon B. Cera  
GOLD BENNETT CERA & SIDENER  
LLP  
595 Market Street  
Suite 2300  
San Francisco, CA 94105-2835  
Phone: (415) 777-2230  
Fax: (415) 777-5189  
*Counsel to WestEnd Capital  
Management, LLC*

Thomas George Ciarlane, Jr.  
 SHALOV STONE & BONNER LLP  
 485 Seventh Avenue  
 Suite 1000  
 New York, NY 10018  
 Phone: (212) 239-4340  
 Fax: (212) 239-4310  
*Counsel to Refco Lead Plaintiff Group*

William T. Pigott  
 95 Sunset Lane  
 Barnstable, MA 02630  
*Counsel to William T. Pigott*

John D. Tortorello  
 Marino Tortorello PC  
 437 Southern Boulevard  
 Chatham, NJ 07928-1488  
 Phone: (973) 824-9300  
 Fax: (973) 824-8425  
 Email: jtortorella@kbmarino.com  
*Counsel to Liberty Corner Capital Strategies, LLC  
 and William T. Pigott*

David E. Mollon  
 WINSTON & STRAWN LLP  
 200 Park Avenue  
 New York, NY 10166-4193  
*Counsel to Grant Thornton, LLP*

Gandolfo V. DiBlasi  
 SULLIVAN & CROMWELL LLP  
 125 Broad Street  
 New York, NY 10004  
 Phone: (212) 558-4000  
 Fax: (212) 558-4812  
*Counsel to Lloyd C. Blankfein,; John H. Bryan,  
 Claes Dahlback; Stephen Friedman; William  
 W. George; Goldman Sachs Group, Inc.; James A  
 Johnson; Lois D. Juliber; Edward M. Liddy; Lord  
 Browne of Madingley; Henry M. Paulson, Jr.;  
 Ruth J. Simmons; David A Viniar*

John P. Coffey  
 BERNSTEIN LITOWITZ BERGER &  
 GROSSMANN LLP  
 1285 Avenue of the Americas  
 New York, NY 10019  
 Phone: (212) 554-1400  
 Fax: (212) 554-1444  
*Counsel to PIMCO Funds: Pacific  
 Investment Management Series-PIMCO  
 High Yield Fund*

Greg A. Danilow  
 WEIL GOTSHAL & MANGES LLP  
 767 Fifth Avenue  
 New York, NY 10153  
*Counsel to The 1997 Thomas H. Lee  
 Nominee Trust; Leo R. Breitman;  
 Nathan Gantcher; David V. Harkins;  
 Scott L. Jacekel; Thomas H. Lee;  
 Ronald L. O'Kelley; Scott A. Schoen;  
 THL Equity Advisors V, L.P.; THL  
 Equity Advisors V, LLC; THL Managers  
 V, LLC; THL Refco Acquisition  
 Partners; Thomas H. Lee Advisors, LLC;  
 Thomas H. Lee Equity (Cayman) Fund  
 V, L.P.; Thomas H. Lee Equity Fund V,  
 L.P.; Thomas H. Lee Investors, L.P.;  
 Thomas H. Lee Parallel Fund V, L.P.;  
 Thomas H. Lee Partners, L.P.*

Gregory M. Egleston  
 BERNSTEIN LIEBHARD & LIFSHITZ  
 LLP  
 10 East 40th Street  
 New York, NY 10016  
 Phone: (212) 779-1414  
*Counsel to Westgate Cap, Mgmt., LLC*

Norman L. Eisen  
 ZUCKERMAN SPAEDER LLP  
 1800 M Street, N.W.  
 Suite 1000  
 Washington, DC 20036  
 Phone: (202) 778-1800  
 Fax: (202) 822-8106  
 neisen@zuckerman.com  
**Counsel to Tone N Grant**

Stuart M. Grant  
 GRANT & EISENHOFER P.A.  
 Chase Manhattan Centre  
 1201 North Market Street  
 Suite 2100  
 Wilmington, DE 19801  
 Phone: (302) 622-7000  
 Fax: (302) 622-7100  
**Counsel to Pacific Investment Management Co., LLC; RH Capital Associates, LLC**

Scott E. Hershman  
 HUNTON & WILLIAMS LLP  
 200 Park Avenue  
 New York, NY 10166-0136  
 Phone: (212) 309-1053  
 Fax: (212) 309-1100  
 shershman@hunton.com  
**Counsel to Santo C. Maggio**

Daniel Keller  
 KELLER-FISHBACK LLP  
 62 Williams Street  
 6th Floor  
 New York, NY 10005  
**Counsel to American Financial International Group-Asia, LLC; Norma LaVigne; Vaughn LaVigne**

Ivan Kline  
 FRIEDMAN & WITTENSTEIN PC  
 600 Lexington Avenue  
 15th Floor  
 New York, NY 10022  
 Phone: (212) 750-8700  
 Fax: (212) 223-8391  
 ikline@friedmanwittenstein.com  
**Counsel to William Sexton**

Helen B. Kim  
 BAKER & HOSTETLER  
 12100 Wilshire Boulevard  
 15th Floor  
 Los Angeles, CA 90025-7120  
 Phone: (310) 820-8800  
 Fax: (310) 820-8859  
**Counsel to Dennis A. Klejna**

J. Gregory Milmoe  
 SKADDEN ARPS SLATE MEAGHER & FLOM LLP  
 4 Times Square  
 New York, NY 10036-6522  
 Phone: (212) 735-3000  
 Fax: (212) 735-2000  
**Counsel to Lind-Waldock Securities, LLC; New Refco Group Ltd., LLC; Refco Finance Holdings LLC; Refco Finance, Inc.; Refco Group Ltd., LLC; Refco Inc.; Refco Managed Futures, LLC Westminster-Refco Management LLC**

Aaron E. Albert  
 FISCHER PORTER & THOMAS, P.C.  
 440 Sylvan Avenue, Suite 130  
 Englewood Cliffs, NJ 07632-2700  
 Phone: (201) 569-5959 x131  
 Fax: (201) 871-4544  
**Counsel to Beckenham Trading Co, Inc., Andrew Krieger**

Christopher Petitt  
Coast Asset Management Corp.  
725 Arizona Ave.  
Suite 400  
Santa Monica, CA 90401  
\*\*\* Bad Address \*\*\*  
*Counsel to Coast Asset Management LLC; CS Land Management, LLC; Christopher Petitt*

Ann Marie Collins  
KAUFMAN BORGEEST & RYAN LLP  
200 Summit Lake Drive  
Valhalla, NY 10595  
*Counsel to Axis Reinsurance Co.*

Samuel H. Rudman  
COUGHLIN STOIA GELLER RUDMAN &  
ROBBINS LLP  
58 South Service Road  
Suite 200  
Melville, NY 11747  
Phone: (631) 367-7100  
Fax: (631) 367-1173  
*Counsel to Illinois Teachers' Group*

Robert B. McCaw  
WILMER CUTLER PICKERING HALE & DORR LLP  
399 Park Avenue  
New York, NY 10022  
*Counsel to CMG Institutional Trading LLC; Goldman Sachs & Co.; Harris Nesbitt Corp.; HSBC Securities (USA), Inc.; J P. Morgan Securities, Inc.; Merrill Lynch, Pierce, Fenner & Smith, Inc.; Muriel Siebert & Co., Inc.; Samuel A. Ramirez & Co., Inc.; Sandler O'Neill & Partners, L.P.; Utendahl Capital Partners, LP; William Blair & Co., LLC; The Williams Capital Group, L.P.*

Ira M. Press  
KIRBY MCINERNEY LLP  
830 Third Avenue  
10<sup>th</sup> Floor  
New York, NY 10022  
Phone: (212) 371-6600  
Fax: (212) 751-2540  
*Counsel to Arbat Equity Arbitrage Fund Ltd.; Global Management Worldwide Ltd.; Russian Investors Securities Ltd.*

Frank Mutterer  
425 Drury Lane  
Wyckoff, NJ 07481-2204  
*Counsel to Frank Mutterer*

Kenneth Ian Schacter  
BINGHAM MCCUTCHEN LLP  
399 Park Avenue  
New York, NY 10022  
Phone: (212) 705-7000  
Fax: (212) 752-5378  
kenneth.schacter@bingham.com  
*Counsel to Refco Securities, LLC*

Matthew J. Sava  
SHAPIRO FORMAN ALLEN SAVA &  
MCPHERSON LLP  
380 Madison Avenue  
New York, NY 10017  
Phone: (212) 972-4900  
Fax: (212) 557-1275  
sava@sfa-law.com  
*Counsel to Joseph Murphy; Gerald M. Sherer*

Adam C. Silverstein  
GOLENBOCK EISEMAN ASSOR BELL &  
PESKOE LLP  
437 Madison Avenue  
New York, NY 10022-7302  
Phone: (212) 907-7300  
Fax: (212) 754-0330  
asilverstein@golenbock.com  
*Counsel to Phillip R. Bennett, The Phillip R. Bennett Three Year Annuity Trust; Refco Group Holdings, Inc.*

David R. Scott  
SCOTT & SCOTT LLC  
108 Norwich Avenue  
P.O. Box 192  
Colchester, CT 06415  
Phone: (860) 537-5537  
Fax: (860) 537-4432  
drscott@scott-scott.com  
*Counsel to Refco Unified Shareholder Team (FrontPoint Financial Services, LP; Philadelphia Financial of San Francisco; Hugo van Reijen & Manro Hayden Trading)*

Evan J. Smith  
BRODSKY & SMITH LLC  
240 Mineola Boulevard  
First Floor  
Mineola, NY 11501  
Phone: (516) 741-4977  
esmith@brodsky-smith.com  
*Counsel to Banyan Capital Fund, LP*

Further, I hereby certify that on January 28, 2008, I caused the same documents to be served by hand on:

Richard I. Werder, Jr.  
Rebecca Trent  
QUINN EMANUEL URQUHART  
OLIVER & HEDGIES LLP  
51 Madison Avenue  
22<sup>nd</sup> Floor  
New York, NY 10010  
Phone: (212) 849-7000  
Fax: (212) 849-7100  
rickwerder@quinnemanuel.com  
*Counsel to Kirschner (Trustee – The Refco Litigation Trust), Marc S. Kirshcher (Trustee – The Refco Private Actions Trust)*

Dated: January 28, 2008  
New York, New York

**LATHAM & WATKINS LLP**

By: /s/ Anthony Maul  
Anthony Maul  
885 Third Avenue, Suite 1000  
New York, New York 10022  
Telephone: (212) 906-1200  
Facsimile: (212) 751-4864

Attorneys for Defendant  
Ernst & Young LLP